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DOCUMENT\_ID: 179844202  
DOCNO: 002329  
PRODUCER: VILNIUS  
SOURCE: STATE  
DOCTYPE: IN  
DOR: 19980825  
TOR: 042617  
DOCPREC: O  
ORIGDATE: 199808250817  
MHFNO: 98 2532460  
DOCCLASS: C

HEADER

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ZNY CCCCC ZOC STATE ZZH  
MSI4422  
OO RUEHC  
DE RUEHVL #2329 2370817  
ZNY CCCCC ZZH  
O 250817Z AUG 98  
FM AMEMBASSY VILNIUS  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9571  
INFO RUEHTV/AMEMBASSY TEL AVIV 0082  
RUEHTL/AMEMBASSY TALLINN 4463  
RUEHWR/AMEMBASSY WARSAW 2615  
RUEHRA/AMEMBASSY RIGA 0778  
RUEAWJA/DEPT OF JUSTICE WASHDC  
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STATE FOR E, S/WCI, EUR/NB, L/EUR AND EUR/NAR  
JUSTICE FOR OSI/ROSENBAUM AND MACQUEEN  
NSC FOR FLANAGAN

Approved for Release  
by the Central Intelligence Agency  
Date: 2003 2005

E.O. 12958: DECL: 8/25/98

TEXT

TAGS: PREL, PGOV, PHUM, CJAN (**LILEIKIS, ALEKSANDRAS**), LH  
SUBJECT: IMMEDIATE PROSPECTS IN LILEIKIS WAR CRIMES CASE

REF: VILNIUS 2326

CLASSIFIED BY POL/ECON CHIEF JONATHAN MOORE. REASONS 1.5 B  
AND D.

SUMMARY

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1. (C) THE LILEIKIS TRIAL IS STILL SCHEDULED TO BEGIN SEPTEMBER 9. AS REPORTED REFTEL, IF ACCUSED WAR CRIMINAL **ALEKSANDRAS LILEIKIS** DOES NOT APPEAR IN COURT, THE TRIAL WILL HAVE TO BE POSTPONED PENDING A JUSTIFICATION OF HIS ABSENCE AND A RELEVANT MEDICAL EVALUATION. IN EFFECT, THE TRIAL WILL NOT TAKE PLACE UNLESS LILEIKIS IS PRESENT;

NAZI WAR CRIMES DISCLOSURE ACT

FOR COORDINATION WITH STATE  
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NOTABLY, PRESIDENT ADAMKUS BELIEVES THAT LILEIKIS WILL IN FACT APPEAR ON SEPTEMBER 9. END SUMMARY.

PRESIDENT ADAMKUS: OPTIMISTIC THAT LILEIKIS WILL APPEAR

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2. (C) IN SEPARATE CONVERSATIONS WITH POL/ECON CHIEF AUGUST 24, PRESIDENT ADAMKUS AND PRESIDENTIAL ADVISOR SMULKSTYS NOTED THEIR UNDERSTANDING THAT LILEIKIS HIMSELF INTENDS TO COME TO THE COURT SEPTEMBER 9 IF HE IS PHYSICALLY ABLE TO DO SO. LILEIKIS' ATTORNEY HAS ALLEGEDLY TOLD AN ASSOCIATED PRESS STRINGER THAT THERE IS AN "85 PERCENT" PROBABILITY THAT LILEIKIS WILL APPEAR. ADAMKUS CONFIRMED HIS SURPRISE AT HEARING THAT LEGISLATION PASSED BY THE PARLIAMENT (SEIMAS) LAST YEAR WAS INSUFFICIENT TO TRY LILEIKIS IN HIS ABSENCE, BUT IS COMMITTED TO SEEING JUSTICE DONE; HE PLANS TO MAKE A PUBLIC STATEMENT SEVERAL DAYS BEFORE SEPTEMBER 9 TO ASSERT HIS OPINION THAT JUSTICE BE DONE IN THIS AND IN SIMILAR WAR CRIMES CASES.

SEIMAS CHAIRMAN LANDSBERGIS: NO LEGAL PRECEDENT

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3. (C) LANDSBERGIS UNABASHEDLY TOLD THE AMBASSADOR AUGUST 21 THAT WHILE THE SEIMAS AMENDED THE LAW ONLY TO ALLOW ALL PRE-TRIAL MOTIONS TO OCCUR IN THE ABSENCE OF THE ACCUSED, ARTICLE 266 OF THE CRIMINAL CODE STILL PREVENTS A TRIAL FROM BEING CONDUCTED UNLESS THE ACCUSED IN PRESENT. HE DEFENSIVELY ASSERTED THAT WESTERN COUNTRIES WOULD NOT ALLOW TRIALS TO BE CONDUCTED IF THE ACCUSED WERE UNABLE TO PARTICIPATE FOR HEALTH REASONS (WHICH WE HAVE ALSO HEARD FROM A RESIDENT AMCIT CRIMINAL LAW EXPERT). LANDSBERGIS TRIED TO DIVERT THE CONVERSATION FURTHER, AWKWARDLY CLAIMING THAT THE KGB HAD TRIED IN THE 1980S TO DIVIDE THE BALTIC AND JEWISH COMMUNITIES IN THE UNITED STATES BY MAKING CLAIMS.

COMMENT

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4. (C) WE WOULD LIKE TO SHARE PRESIDENT ADAMKUS' OPTIMISM, BUT HAVE FOLLOWED THIS CASE FOR SEVERAL YEARS LONGER THAN HE HAS (HE HAS BEEN IN OFFICE ONLY SINCE FEBRUARY). IT IS BY NO MEANS A CERTAINTY THAT LILEIKIS WILL SHOW UP IN COURT ON SEPTEMBER 9. WHAT IS CLEAR, HOWEVER, IS THAT WHERE LANDSBERGIS SEEKS TO OBSCURE THE ISSUE -- HE HAS NEVER MADE ANY ATTEMPT TO ACKNOWLEDGE THE STRENGTH OF THE PROSECUTOR'S CASE AGAINST LILEIKIS -- ADAMKUS IS PREPARED, AT LEAST PUBLICLY, TO SEEK JUSTICE. SMITH

ADMIN

END OF MESSAGE

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